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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY \_\_\_\_\_ WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ELIZABETH C. ANDULAN, and  
ARRIZ C. ANDULAN,

Plaintiffs,

v.

CITY OF SEATTLE; SGT. JAMES K.  
DYMENT; SGT. LARRY W.  
BROTHERTON,

Defendants.

NO. **CV7 500C**

COMPLAINT FOR DAMAGES FOR  
VIOLATION OF CIVIL RIGHTS



07-CV-00500-CMP

Plaintiffs Elizabeth C. Andulan and Arriz C. Andulan, by and through their attorneys

MacDonald Hoague & Bayless, claim as follows:

I. NATURE OF ACTION

1.1 This is an action for damages for violation of the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983.

II. PARTIES

2.1 Plaintiff Elizabeth C. Andulan was at all times relevant hereto a resident of Seattle, King County, Washington.

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1           2.2     Plaintiff Arriz C. Andulan was at all times relevant hereto a resident of Seattle,  
2     King County, Washington.

3           2.3     Defendant City of Seattle is a municipal corporation organized under the laws of  
4     the State of Washington, which is located in the Western District of Washington.

5           2.4     Defendant James K. Dymont is a Seattle police officer and a resident of the  
6     Western District of Washington.

7           2.5     Defendant Sgt. Larry W. Brotherton is a Seattle police officer and a resident of the  
8     Western District of Washington.

9                                 III.     JURISDICTION AND VENUE

10          3.1     This Court has jurisdiction over the Plaintiffs' federal claims under 28 U.S.C.  
11     § 1331. This Court has personal jurisdiction over the Defendants as the Defendants reside within  
12     the Western District of Washington and were employed by the City of Seattle, Washington, and all  
13     acts relevant hereto took place within the city limits of the city of Seattle, Washington.

14          3.2     Venue in the Western District of Washington is properly placed in that all the  
15     Defendants are employed by the City of Seattle and all actions complained of occurred in Seattle,  
16     King County, Washington.

17                                 IV.     FACTUAL BACKGROUND

18          4.1     Plaintiffs Elizabeth C. Andulan and Arriz C. Andulan are sister and brother.

19          4.2     Plaintiffs resided at 7734 36th Avenue Northeast, Seattle, Washington 98115. The  
20     house is owned by the Andulan family.

21          4.3     On approximately June 14, 2005, at about 11:20 p.m., Plaintiffs heard loud,  
22     pounding noises outside which sounded like someone trying to break down their front door.  
23

1           4.4     Before Plaintiff Arriz Andulan had a chance to fully open the front door a team of  
2 police wearing helmets, masks, flashlights, with guns drawn burst into the house, yelling and  
3 knocking him to the floor.

4           4.5     Defendants Dymment and Brotherton were the sergeants who led the police raid on  
5 Plaintiffs' home.

6           4.6     Without explanation, the invading police officers dragged Mr. Andulan up the  
7 stairs, pulling down his sweatpants and underpants in the process and then handcuffed him.

8           4.7     Plaintiff Elizabeth Andulan had been upstairs on the telephone when she heard  
9 someone breaking down the front door of the house. She dropped the phone and looked in the hall  
10 to find men dressed in black with guns pointing directly at her.

11          4.8     The invading police officers with guns drawn yelled repeatedly at Ms. Andulan to  
12 crawl to towards them.

13          4.9     In confusion, Plaintiff Elizabeth Andulan started to walk slowly down the hall. The  
14 invading police then yelled to crawl or they would shoot so she got on the floor and crawled.

15          4.10    The invading police officers handcuffed Ms. Andulan and place her face down on  
16 the floor next to her brother. He too was handcuffed.

17          4.11    Mr. Andulan was face down on the floor with someone's knee on his back, pinning  
18 him to the floor.

19          4.12    Defendant Dymment stood over the couch and then told the Plaintiffs the police had  
20 made a mistake. However, the police officers under his command continued to hold the Plaintiffs  
21 in the living room.

22          4.13    After a while one of the officers had Ms. Andulan sign a form stating that nothing  
23 was taken from the home.

1           4.14 After the police left, the Andulans saw that their home had been damaged. Among  
2 other things, the front door was damaged and the security screen door was ripped open, the storm  
3 door lock had been forced, the front door had been struck with such force that it caused the  
4 deadbolt to be ripped out of the door, the wood surrounding the deadbolt had splintered, and the  
5 invading police officers ripped a vinyl wardrobe in such a way that it could no longer be closed.

6           4.15 Both Plaintiffs were severely traumatized and humiliated by the forced entry into  
7 their home in the middle of the night, and both have sought medical care for this trauma. Because  
8 of the trauma, they no longer felt safe in their home and moved.

9           4.16 The Plaintiffs later learned that the police had entered their home and engaged in  
10 the acts described above in order to serve a search warrant. The search warrant was issued based  
11 on a report from other Seattle police officers indicating, wrongly, that the smell of growing  
12 marijuana was coming from Plaintiffs' home.

13           4.17 The violent manner in which the police executed the search warrant on Plaintiffs'  
14 home was unreasonable. The police had no information indicating that the Plaintiffs or others  
15 inside their home would refuse to cooperate with the execution of the search warrant or would  
16 constitute a threat to the executing officers.

17           4.18 The City of Seattle has a policy and custom of executing search warrants in the  
18 violent and unreasonable manner described above and that policy and custom was the cause of the  
19 acts and injuries described above.

20           4.19 In all the actions described above, the Defendants and the other police officers  
21 working with them were acting under color of state law, as agents of the City of Seattle, pursuant  
22 to its policies, customs and usages.  
23

V. CAUSES OF ACTION

5.1 The acts and omissions of the Defendants and their agents described above caused Plaintiffs to be deprived of rights guaranteed by the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983.

VI. PRAYER FOR RELIEF

6.1 Plaintiffs pray for relief as follows:

- A. General and special damages;
- B. Damages for violation of their civil rights;
- C. Punitive damages from the individual defendants; and
- D. Such other relief as the Court deems just and equitable.

DATED April 4, 2007.

MacDONALD HOAGUE & BAYLESS

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